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**AUG 31 2009**

**OFFICE OF PETITIONS**

**Martin P. Hoffman  
Hoffman Wasson & Gitler  
2461 South Clark Street  
Suite 522  
Arlington, VA 22202**

In re Application of :  
James Walter Lucas et al. :  
Application No. 10/577,768 : **DECISION ON PETITION**  
Filed: November 9, 2006 :  
Attorney Docket No. A-10044 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

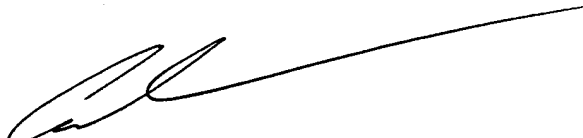
The petition is **DISMISSED AS MOOT**.

A review of the record shows that the reply in the form of a Amendment along with a three month extension of time filed on June 15, 2009, was filed within the maximum extendable time period of the Office action mailed on December 17, 2008. Since this application is not considered abandoned, the petition is unnecessary.

It should be noted that the petition fee of \$810 will be refunded by treasury check.

This application is being referred to Technology Center 3635 for further processing of the reply received on June 15, 2009.

Telephone inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618.



Carl Friedman  
Petitions Examiner  
Office of Petitions